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MITIGATED NEGATIVE DECLARATION

Project Name: Beauvais Major Subdivision

Project Number(s): 3100 5315 (TM); Log No. 03-02-035

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for:

Biological Technical Report
Cultural Resource Report
Stormwater Management Plan
Acoustical Analysis
Hydrology Report
Fire Protection Plan
Traffic Study

1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that

there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

PRE-CONSTRUCTION MEETING: *(Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

1. **ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2] Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to TM 5315, a Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The County approved 'Project Archaeologist,' Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources. **Documentation:** The applicant shall have the contracted Project Archeologist and Native American attend the preconstruction meeting to explain the monitoring requirements. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **Monitoring:** The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the Cultural Resource Monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archeologist.

DURING CONTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

(CULTURAL RESOURCES)

2. **ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [DPLU, FEE X2] Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to TM 5315, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological](#)

[and Historic Resources](#) , Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the following requirements during grading:

- a. "During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist."
- b. "In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the DPLU Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the DPLU Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods."
- c. "If any human bones are discovered, the Project Archaeologist shall contact the County Coroner and the DPLU Staff Archaeologist. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains."
- d. "The Project Archaeologist shall submit monthly status reports to the Director of Planning and Land Use starting from the date of the Notice to Proceed to termination of implementation of the grading monitoring

program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.”

Documentation: The applicant shall implement the grading monitoring program pursuant to this condition. **Timing:** The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the Project Archeologist or applicant fails to comply with this condition.

(NOISE)

3. **TEMPORARY NOISE IMPACTS: [DPLU, PCC] [DPW, PDCI] [DPLU, FEE X3].**

Intent: In order to comply with the [County of San Diego Noise Ordinance 36.409](#), the following noise attenuation measures shall be implemented to reduce the sound level generated from project construction equipment operations. **Description of Requirement:** The temporary noise attenuation barrier(s) shall remain in place as indicated on this plan for grading activities located on Lots 1, 2, and 6 for compliance with this condition. The mitigation is designed and placed to reduce construction noise that would potentially affect the adjacent residential uses located along the eastern property lines of Lots 1 and 2 and along the western property line of Lot 6:

- a. The barrier shall be maintained for the duration of the construction activities on Lots 1, 2, and 6 that will create noise greater than 75 dB at the property lines indicated above.
- b. The temporary construction noise wall along the **eastern property line** of **Lot 1** shall be eight feet (8') high and 190 feet in length with a minimum surface density of 3.5 pounds per square foot, consisting of masonry, wood, berm, plastic, fiberglass, steel or a combination of these material with no cracks or gaps through or below the wall. Wood can be used if it is at least one-inch thick or has a density of at least 3.5 pounds per square foot. Sound attenuation blankets can be used in place of the barrier provided they have an STC rating of at least 18.
- c. The temporary construction noise wall along the **eastern property line** of **Lot 2** shall be eight feet (8') high and 170 feet in length with with a

minimum surface density of 3.5 pounds per square foot, consisting of masonry, wood, berm, plastic, fiberglass, steel or a combination of these material with no cracks or gaps through or below the wall. Wood can be used if it is at least one-inch thick or has a density of at least 3.5 pounds per square foot. Sound attenuation blankets can be used in place of the barrier provided they have an STC rating of at least 18.

- d. The temporary construction noise wall along the **western property line of Lot 6** shall be eight feet (8') high and 190 feet in length with with a minimum surface density of 3.5 pounds per square foot, consisting of masonry, wood, berm, plastic, fiberglass, steel or a combination of these material with no cracks or gaps through or below the wall. Wood can be used if it is at least one-inch thick or has a density of at least 3.5 pounds per square foot. Sound attenuation blankets can be used in place of the barrier provided they have an STC rating of at least 18.
- e. Temporary construction noise barrier details and location are shown on Sections 5.3 Temporary Construction Noise and Figure 7 in the noise report prepared by Eilar Associates dated June 3, 2010. The temporary noise barrier located along the property lines of Lots 1, 2, and 6 shall remain during the pad grading phases respectively. Noise report is on file with the Department of Planning and Land Use as case number Tentative Map 5315.

Documentation: The applicant shall maintain the sound attenuation mitigation as indicated above until all grading activities on Lots 1, 2, and 6 have been completed. The applicant shall submit a signed, stamped statement from a California Registered Engineer or licensed surveyor, and photographic evidence that the construction noise barriers have been constructed on Lots 1, 2, and 6 pursuant to the approved grading plan to the [DPLU, PCC] for review and approval. The applicant is responsible for implementing any further mitigation to remain in compliance with this condition. **Timing:** The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPLU, PCC] shall review the a signed, stamped statement from a California Registered Engineer or licensed surveyor, and photographic evidence that the construction noise barriers have been constructed pursuant to the approved grading plan for compliance with this condition. If an alternative methods, or reduced equipment proposal is provided, [DPLU, PCC] shall review the new mitigation for compliance with this condition. The [DPW, PDCI] shall ensure that the noise mitigation barriers remain in place as indicated on this plan.

ROUGH GRADING: *(Prior to rough grading approval and issuance of any building permit).*

(CULTURAL RESOURCES)

4. **ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE].**
Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TM 5315, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources](#), a Grading Monitoring Program shall be implemented.

Description of Requirement: The Project Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:

- a. If **no archaeological resources** are encountered during grading, then submit a final Negative Monitoring Report substantiating that grading activities are completed and no cultural resources were encountered. Monitoring logs showing the date and time that the monitor was on site must be included in the Negative Monitoring Report.
- b. If archaeological **resources were encountered** during grading, the Project Archaeologist shall provide a Monitoring Report stating that the field grading monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation phase of the monitoring.

Documentation: The applicant shall submit the Monitoring report to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

(CULTURAL RESOURCES)

5. **ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE].**
Intent: In order to comply with the adopted Mitigation Monitoring and Reporting

Program (MMRP) pursuant to TM 5315, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources](#), a Grading Monitoring Program shall be implemented.

Description of Requirement: The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during grading. The report shall include the following:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a brief letter to that effect must be submitted stating that the grading monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

Documentation: The applicant shall submit the report to the [DPLU, PCC] for review and approval. **Timing:** Prior to the occupancy of any structure or use of the premises in reliance of TM 5315, and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)), for TM 5315, the final report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

6. **OFF-SITE MITIGATION: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE X2] [DPR, GPM]** **Intent:** In order to mitigate for the impacts to southern mixed chaparral, which is a sensitive biological resource pursuant to the County of San Diego Guidelines for Determining Significance for Biological Resources, off-site mitigation shall be acquired. **Description of Requirement:** The applicant shall

purchase habitat credit, or provide for the conservation of habitat of 11.6 acres of southern mixed chaparral, located in North County as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in North County as indicated below:
 1. The type of habitat and the location of the proposed mitigation, should be pre-approved by [DPLU, PCC] before purchase or entering into any agreement for purchase.
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity.

4. The final RMP can not be approved until the following has been completed to the satisfaction of the Director of DPLU: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

Documentation: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **Monitoring:** The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

7. **ARCHAEOLOGICAL GRADING MONITORING: [DPLU, PCC] [DPW, ESU] [MA, GP, IP] [DPLU, FEE X 2]** **Intent:** In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, a grading monitoring program and potential data recovery program shall be implemented pursuant to the [County of San Diego Guidelines for Determining Significance for Cultural Resources](#) and [CEQA Section 15064.5 an 15064.7](#). **Description of Requirement:** A County approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing,

grubbing, trenching, and construction activities. The following shall be completed:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources](#), and this permit. The contract provided to the County shall include an agreement that the grading monitoring will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the Project Archaeologist and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Qualified Native American of the appropriate tribal affiliation has also been contracted to perform Native American Grading Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

Documentation: The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate, and [MOU](#) to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate.

Timing: Prior to the approval of the map for TM 5315 and prior to the approval of any plan and issuance of any permit, the contract shall be provided.

Monitoring: The [DPLU, PCC] shall review the contract, [MOU](#) and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

8. CULTURAL RESOURCES REPORT: [DPLU, PCC] [UO, FG] [DPLU, FEE X2].

Intent: In order to ensure that the Grading Monitoring occurred during the grading phase of the project pursuant to condition 13, a final report shall be prepared. **Description of Requirement:** A final Grading Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.

- b. Daily Monitoring Logs
- c. Evidence that all cultural resources collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to an appropriate curation facility in San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a brief letter to that effect must be submitted stating that the grading monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

Documentation: The applicant's archaeologist shall prepare the final report and submit it to the [DPLU, PCC] for approval. **Timing:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **Monitoring:** The [DPLU, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [DPLU, PCC] shall inform [DPW, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [DPLU, PCC] shall inform [DPLU, FISCAL] to release the bond back to the applicant.

- 9. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

3. Critical Project Design Elements That Must Become Conditions of Approval:

APPROVAL OF MAP: THE FOLLOWING SPECIFIC CONDITIONS SHALL BE COMPLIED WITH BEFORE A MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (and where specifically, indicated, conditions shall also be complied with prior to the approval and issuance of grading or other permits as specified):

1. **PUBLIC ROAD IMPROVEMENTS:** [DPW, LDR], [DPR, TC] [MA]

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#) and the Community Trails Master Plan **Old Castle Road** shall be improved. **Description of requirement:** Improve or agree to improve and provide security for the project side as follows:

- a. **Old Castle Road** (SF1415), along the project frontage in accordance with Public Road Standards for a Residential Collector, to a graded width of fifty feet (50') from centerline and to an improved width of thirty-eight feet (38') from centerline with asphalt concrete pavement over approved base with asphalt concrete dike, with face of dike at thirty-eight feet (38') from centerline and a minimum ten-foot (10') disintegrated granite (D.G.) pathway adjacent to the curb. The existing pavement width of approximate twelve feet (12') from centerline may remain and all distressed sections shall be replaced. Provide taper transitions to match existing pavement (both westerly and easterly) with additional width to accommodate acceleration and deceleration lanes as needed.
 - 1) All pathways shall have a clear unobstructed ten feet (10') of tread width. Aboveground utilities are not permitted within the pathway. If unavoidable, then an additional five feet (5') of width shall be provided to maintain the ten feet clear pathway width.
 - 2) Landscape, signs, irrigation systems shall not be placed within pathways. A clear unobstructed ten feet (10') of tread width shall be maintained to the satisfaction of the Director of Parks and Recreations.
- b. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

All plans and improvements for the foregoing requirements shall be completed to the satisfaction of the Director of Public Works and pursuant to the [County of San Diego Public Road Standards](#), the DPW [Land Development Improvement Plan Checking Manual](#) and the Community Trails Master Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **Documentation:** The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve Olde Castle Road including the pathway and taper transitions as required along the project frontage.
- b. Provide Secured agreements require posting security in accordance with [Subdivision Ordinance Sec. 81.405 through 81.406.1.](#)
- c. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI].
- d. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- e. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the Valley Center Fire Protection District and the Director of Public Works. [DPW, LDR].

Timing: Prior to the approval of the map all the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] and [DPR, TC, PP] shall review the plans for constancy with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

2. PRIVATE ROAD IMPROVEMENTS: [DPW, LDR], [MA]

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#), **Street "A"** shall be improved. **Description of requirement:** Improve or agree to improve and provide security for the private road easements as follows:

- a. **Street "A"** from Old Castle Road to the cul-de-sac at Lots 3 and 4, to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with asphalt concrete pavement over approved base with asphalt concrete dike as required at twelve-feet (12') from centerline. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply.
- b. **Street "A"** shall terminate with a cul-de-sac graded to a radius of forty feet (40'), and surfaced to a radius of thirty-six feet (36') with asphalt

concrete pavement over approved base with asphalt concrete dike with face dike at thirty-six feet (36') from the radius point.

All plans and improvements for the foregoing requirements shall be completed to the satisfaction of the Director of Public Works, Valley Center Fire Protection District and pursuant to the County of San Diego Private Road Standards and the DPW [Land Development Improvement Plan Checking Manual](#). The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **Documentation:** The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve private road easements for Streets "A" including the intersection with Old Castle Road.
- b. Provide Secured agreements require posting security in accordance with [Subdivision Ordinance Sec. 81.405 through 81.406.1](#).
- c. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI].
- d. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the Valley Center Fire Protection District and the Director of Public Works. [DPW, LDR].
- e. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

Timing: Prior to the approval of the final map the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] shall review the plans for constancy with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

3. FIRE LANES: [DPW, LDR] [DPW, PDCI] [FIRE] [MA]

Intent: In order to provide proper clearance for fire apparatus on the private easement road, Street A, which is necessary for the health and safety of present and future residents the curbs shall be painted red and the signs shall be installed. **Description of Requirement:** The to-be-named private easement

road, Street A, shall either be posted with "NO PARKING" signs or improved with red-painted curbs marked "No Parking Fire Lane" to the satisfaction of the Valley Center Fire Protection District. **Documentation:** The applicant shall indicate the fire lane requirement on the plans, and implement the requirements pursuant to the timing of this condition. **Timing:** Prior to approval and recordation of the final map, this requirement shall be completed. **Monitoring:** The [DPW, LDR] shall verify that the Valley Center Fire Protection District is satisfied with the implementation of the no-parking zones before final grading release of the grading plans.

4. PAVEMENT CUT POLICY: [DPW, LDR] [GP, IP,MA]

Intent: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **Description of requirement:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **Documentation:** The applicant shall sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy to the satisfaction of the Department of Public Works (DPW), and submit it to the [DPW LDR] for review. **Timing:** Prior to the approval improvement plans and the approval of the final map the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

5. SIGHT DISTANCE: [DPW, LDR] [MA]

Intent: In order to comply with the Design Standards of Section 6.1.(F) of the [County of San Diego Public Road Standards](#) and Section 3.2 (G) of the [County of San Diego Private Road Standards](#) , an unobstructed view for safety while exiting the property and accessing a public road from the site, and unobstructed sight distance along the public road shall be verified. **Description of requirement:** Have a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor provide the following certified signed statements that:

- a. Physically, there is a minimum unobstructed sight distance in both directions along Old Castle Road from the proposed **Street "A"**, for the prevailing operating speed of traffic on Old Castle Road.

- b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- c. For all foregoing intersections, the engineer or surveyor shall further certify that: "The sight distance of adjacent driveways and street openings will not be adversely affected by this project."

Documentation: The applicant shall complete the certifications and submit them to the [DPW, LDR] for review. **Timing:** Prior to the approval of the final map the sight distance at Old Castle Road/ Street A intersection shall be verified.

Monitoring: The [DPW, LDR] shall verify the sight distance certifications.

6. DRAINAGE MAINTENANCE AGREEMENTS: [DPW, LDR], [MA]

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#) and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11\)](#), [County Watershed Protection Ordinance \(WPO\) No.9926](#), [County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. **Description of requirement:**

- a. The private storm drain system, including drainage channels/ ditches on the property along Old Castle Road shall be maintained by a maintenance mechanism such as a homeowners association or other private entity to the satisfaction of the Director of Public Works.
- b. Provide on-site and off-site drainage easements to the satisfaction of the Director of Public Works.
- c. if required establish a maintenance agreement / mechanism (to include easements) to assure maintenance of the Category 2 post-construction best management practices (BMP's). Provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works.

Documentation: The applicant shall complete the following process and obtain approval of the engineers report, and pay the deposit and applicable review fees.

Timing: Prior to the approval of the final map the agreements, and securities shall be approved. **Monitoring:** The [DPW,LDR] shall review the agreements/mechanisms for constancy with the condition and County Standards.

7. EROSION CONTROL: [DPW, LDR] [DPW, PDCI] [MA, IP, GP].

Intent: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 9926](#) and all other applicable ordinances and standards for this priority project. **Description of Requirement:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Management Plan (SWMP) and Stormwater Prevention Protection Plan (SWPPP), including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided pursuant to [Subdivision Ordinance 81.406](#), for an amount equal to the cost of this work as determined or approved by the [DPW, LDR], in accordance with the [County of San Diego Grading Ordinance Section](#) 87.304(e). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed.

Documentation: The applicant shall provide the letter of agreement and any additional security and or cash deposit to the [DPW, LDR] for approval with the final submittal of all grading and improvement plans for the subdivision and required improvements as indicated above. **Timing:** Prior to approval of the subdivision map, and the approval of any plan and the issuance of any permit, the agreement and securities shall be executed. **Monitoring:** The [DPW, LDR] shall ensure that the agreement and the securities provided adequately satisfy the requirements of this conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. The [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforcement the required stormwater and rosin control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

8. ROAD DEDICATION (ON & OFFSITE): [DPW, LDR] [DGS, RP] [MA].

Intent: In order to improve the quality of the roads, promote orderly development, and to comply with the [Subdivision Ordinance Sec. 81.403](#), road right of way shall be dedicated to the County. **Description of requirement:** Dedicate onsite with the map and grant by separate document to the County of San Diego an easement for road purposes along the project frontage in accordance with [County of San Diego Public Road Standards](#) and the Community Trails Master Plan for **Old Castle Road (SF1415)**, a Collector Road with a bike lane for any additional right-of-way required for acceleration and deceleration lanes and pathway together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.

The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works. **Documentation:** The applicant shall dedicate the project side of the easement on the map and show it. For the off-site portions of the easement, the applicant shall prepare the legal descriptions of the easements, and submit them for preparation with the *[DGS, RP]*, and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to the *[DPW, LDR]* for review. **Timing:** Prior to the approval of the Final Map for this project the onsite dedication and the offsite granting shall be provided for roads. **Monitoring:** The *[DPW, LDR]* shall verify that the dedication is indicated on the map and accepted by the County. The *[DGS, RP]* shall prepare, approve the easement documents for recordation, and forward the recorded copies to *[DPW, LDR]* for review and approval. The *[DPW, LDR]* shall review that the off-site granting complies with this condition.

9. CENTERLINE LOCATION: [DPW, LDR] [MA].

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#), the centerline of **Old Castle Road (SF1415)**, shall be shown on the subdivision map. **Description of requirement:** The desired location of the centerline for Olde Highway 80 (SA 895) shall be determined, which is shown on the Circulation Element of the County General Plan as a Collector Road with a bike lane. The following shall be shown on the Final Map:

- a. The centerline location as approved by the Department of Public Works.

Documentation: The applicant shall indicate the centerlines on the map as indicated above. **Timing:** Prior to the approval of the final map or parcel map

for this project the centerline shall be indicated on the map. **Monitoring:** The [DPW, LDR] shall verify that the centerline is indicated on the map.

10. PRIVATE ROAD MAINTENANCE AGREEMENT: [DPW, LDR] [MA].

Intent: In order to comply with the Subdivision Ordinance Sec. 81.402 (c), and ensure that the private roads approved with this subdivision are maintained, the applicant shall assume responsibility of the private roads. **Description of Requirement:** A maintenance agreement shall be executed that indicates the following:

- a. Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
- b. The Director of Public Works shall be notified as to the final disposition of title (ownership) to Streets A and place a note on the Final Map as to the final title status of said roads.
- c. Access to each lot shall be provided by private road easement not less than forty feet (40') wide.

Documentation: The applicant shall sign the private road maintenance agreement to the satisfaction of the Director of DPW and indicate the ownership on the map as indicated above. **Timing:** Prior to the approval of the map for this project the agreement shall be executed and the ownership shall be indicated on the map. **Monitoring:** The [DPW, LDR] shall review the executed agreement and the map for compliance with this condition.

11. RELINQUISH ACCESS: [DPW, LDR] [DGS, RP] [MA]

Intent: In order to promote orderly development and to comply with the [Public Facilities Element and the Circulation element of the General Plan](#), access shall be relinquished for public roads. **Description of requirement:** Relinquish access rights onto Old Castle Road (SF1415), except for one (1) private road easement (Street "A"). The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. Only the Street "A" access point is permitted along Old Castle Road (SF1415). **Documentation:** The applicant shall prepare the legal descriptions and documents and present them for review and to [DGS, RP]. Upon execution of the relinquishment documents, the applicant shall provide copies of the documents to [DPW, LDR] for review. **Timing:** Prior to the approval of the final map for this project the access shall be relinquished. **Monitoring:** The [DGS, RP] shall prepare and execute the relinquishment documents and forward a copy of the recorded documents to [DPW, LDR] for review and approval.

12. FIRE SERVICES & AVAILABILITY [DPW, LDR] [MA]

Intent: In order to ensure that the proposed subdivision has the required fire protection services, and to comply with [County Subdivision Ordinance Sections 81.706](#), service availability letter shall be provided and required improvements made. **Description of Requirement:** Obtain a fire service availability and commitment letter from the Valley Center Fire Protection District. If the Parcel Map records after June 8, 2011, a new certification for fire service must be obtained from the Valley Center Fire Protection District.

Documentation: The applicant shall obtain the appropriate availability letter from the agency referenced above, and comply with any conditions of said commitment letter. The applicant shall provide the required letter of commitment to the [DPW, LDR] for review and approval. **Timing:** Prior to the approval of the parcel map, the applicant shall comply with this condition. **Monitoring:** The [DPW, LDR] shall review the commitment letter for compliance with this condition.

13. FIRE SERVICES AND AVAILABILITY: [DPLU, REG] [FIRE] [GP, IP] [DPLU, FEE]

Intent: In order to assure long-term availability of adequate fire protection services, the project shall participate in a Community Facilities District (CFD) to fund fire protection. **Description of Requirement:** The property shall be annexed into the Valley Center Fire Protection District CFD 2008-01.

Documentation: The applicant shall provide written evidence, to the satisfaction of the County Fire Authority and DPLU Project Planning, demonstrating that the property has been annexed into the Valley Center Fire Protection District CFD 2008-01. **Timing:** Prior to the approval of the Final Map, the property shall be annexed into the CFD in accordance with the above documentation. **Monitoring:** The DPLU Fire Marshal shall review the submitted documentation. If, upon review, DPLU determines the documentation demonstrates conformance with this condition, the DPLU shall approve the documentation and deem the condition satisfied.

14. RESOURCE PROTECTION ORDINANCE STEEP SLOPE EASEMENT: [DPLU, PCC] [DGS, RP] [BP, GP, CP, UO] [DPLU, FEE X 2].

Intent: In order to protect steep slope lands as defined in the [Resource Protection Ordinance \(RPO\)](#) Section 86.602.(p) a Steep Slope Open Space Easement shall be granted. **Description of Requirement:** Grant to the County of San Diego a RPO Steep Slope Open Space Easement as shown on TM 5315.

This easement is for the protection of steep slope lands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure;

vehicular activities; trash dumping; or use for any purpose other than as open space. The sole exceptions to this prohibition are:

- a. Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
- b. Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.
- c. Activities required to be conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of Planning and Land Use.
- d. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego, in a location and manner approved in writing by the Director of Planning and Land Use of the County of San Diego.
- e. Uses, activities, and placement of structures expressly permitted by the Director of Planning and Land Use, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to The Zoning Ordinance of the County of San Diego.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easement, then submit them for preparation and recordation with the *[DGS, Real Property Division]*, and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easement, the applicant shall provide copies of the recorded easement documents to *[DPLU]*,

PCC] for approval. **Timing:** Prior to issuance of grading or construction permits or approval of the Final Map, whichever comes first, the easement shall be recorded. **Monitoring:** The *[DGS, RP]* shall prepare and approve the easement documents and send them to *[DPLU, PCC]* for pre approval. The *[DPLU, PCC]* shall pre-approve the language and location of the easements before being released to the applicant for signature and subsequent recordation. Upon Recordation of the easement *[DGS, Real Property Division]* shall forward a copy of the recorded documents to *[DPLU, PCC]* for satisfaction of the condition.

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

County of San Diego Planning Commission

on _____

Richard Grunow, Planning Chief
Project Planning Division

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